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Client: 36588-00001

December 13, 2016

VIA ECF

The Honorable Kiyo Matsumoto
United States District Court Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Shkreli, 05 Cr. 637 (KAM)

Dear Judge Matsumoto:

On behalf of our client, Evan Greebel, we write to request the Court's permission for Mr. Greebel to accompany his wife, three young children, and extended family to Mexico on December 23, 2016, as he did last year at this time. Mr. Greebel would return on January 1, 2017. Pre-Trial Services in the Eastern and Southern Districts of New York take no position on Mr. Greebel's request. The government, however, opposes Mr. Greebel's request. As we explain below, the risk that Mr. Greebel might flee has not increased since the Court permitted him to travel with his family to Mexico last year. To the contrary, since the time that bail was set nearly a year ago, Mr. Greebel has fully complied with all of his bail conditions and all orders of this Court, and we respectfully submit that Mr. Greebel's record of full compliance demonstrates his intention to continue meeting all of his obligations to this Court. Given Mr. Greebel's strong roots in the Southern District of New York, including his powerful family ties, as well as his track record of full compliance, we request that Mr. Greebel be permitted to take this trip with his family.

As Your Honor knows, prior to his indictment and arrest last December, Mr. Greebel was a partner at a major New York law firm with an impressive background and longstanding ties to his community. Not only was his record, both professionally and personally, unblemished, but as a young partner, he had a bright future in our profession. Until his arrest, Mr. Greebel was entirely unaware that he was the subject of an investigation; indeed, the indictment turned his world upside down. Nonetheless, Mr. Greebel has worked to provide his wife and three young children with a sense of normalcy and stability during this challenging time.

The trip for which Mr. Greebel requests permission to travel not only would provide that much-needed relief to his immediate family but also reflects the strength of his extended family ties. Mr. Greebel's mother-in-law and father-in-law organized this three-generation

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family trip to celebrate his sister-in-law's recent wedding and integrate his new brother-in-law's three young children from a prior marriage into their extended, blended family. If permitted to travel, Mr. Greebel would be accompanied by eleven family members: his wife, his own three children, and seven others, including three additional children.

In connection with this request, last week, we contacted Vincent Adams of the Southern District's Pre-Trial Services office, Mr. Greebel's assigned officer since last January. Mr. Adams stated that he takes no position on the request because it involves international travel. He also suggested that we contact the Pre-Trial Services office in this District as well. Melissa Siberon of that office similarly stated that her office takes no position on the request and defers to Your Honor.

Unlike last year when the government took no position on Mr. Greebel's request to travel to the same city, the government now opposes the same request. We respectfully disagree with the government's position. "Although the government may . . . subject [a defendant] to [bail] restrictions and conditions, these conditions may not amount to punishment." *Halikipoulous v. Dillon*, 139 F. Supp. 2d 312, 316 (E.D.N.Y. 2001). Mr. Greebel's circumstances have not changed since the Court's decision to permit Mr. Greebel to go with his family to Mexico last year, other than that Mr. Greebel has a nearly one-year record of complying with all his bail conditions and all orders of this Court. His family has appeared in court with him at each conference and hearing.

The government informed us that they oppose because they are against "international travel" and that it responded differently last year because Mr. Greebel's trip had been planned in advance. Respectfully, that rationale is inconsistent with the government's position last year and makes little sense. If the government believed that Mr. Greebel were a flight risk, they would have opposed his travel to Cancun – the same location as this year's trip – last year. They did not. There is not now and has never been any evidence that Mr. Greebel is a flight risk. Following his trip to Mexico last year, he immediately returned to New York, as expected. Moreover, for the last twelve months, Mr. Greebel has complied fully with the conditions of his release. At all times, he has been cooperative with Pre-Trial Services in the Southern District of New York, where he has lived his entire life, save for college and law school, and has been assigned for supervision. And he has been an active participant in his own defense, including through his attendance at each hearing and conference to date.

There is simply no reason to believe that Mr. Greebel – who will be traveling with nearly a dozen family members – would not return to New York upon the conclusion of his requested travel, just as he did last year at this time. We asked the government whether there would be any additional conditions that would satisfy them that Mr. Greebel will return. They said there were none. Should Your Honor require additional conditions, we would be happy to

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meet them. Mr. Greebel is doing his best to give his family a sense of normalcy during the course of this case, and we respectfully request that Your Honor grant Mr. Greebel permission to travel with his immediate and extended family to Mexico over the holidays.

We appreciate Your Honor's time and consideration of this request. Should Your Honor wish to schedule a hearing on this application, we are available for an in-person conference next week.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Winston Chan / LHR".

Winston Chan